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09/678,169	10/02/2000	Robert W. Crowder JR.	732.436 SDG.UA	4125

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RENO, NV 89502

EXAMINER

MARKS, CHRISTINA M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/678,169

Applicant(s)

CROWDER ET AL.

Examiner

C. Marks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

The object to Figures 1-8 for not presenting the method steps in flow chart form is withdrawn due to the corrected drawings filed 04 June 2003.

However, the drawings remain objected to for including different figures with the same label. For example, there are two Figure 1, two Figure 2, etc. up to and including two of Figure 8.

### ***Claim Objections***

The objections to claims 14 and 30 for minor informalities have been withdrawn due to the amendment filed 04 June 2003 canceling the claims.

### ***Specification***

The objection to the specification for improperly identifying a keyboard in the drawings has been withdrawn due to the amendment filed 04 June 2003 correcting the disclosure.

### ***Claim Rejections - 35 USC § 112***

The rejection of claims 4-6, 8, 10, 13, 15, 17, 19, 20, 22, 24, 26, 27 and 29 under 35 U.S.C. 112, first paragraphs is withdrawn due to the amendment filed 04 June 2003 canceling the claims.

The rejection of claims 1-27 under 35 U.S.C. 112, second paragraph for the use of the indefinite word may is withdrawn due to the amendment filed 04 June 2003 canceling the claims.

The rejection of claim 30 under 35 U.S.C. 112, fourth paragraph for failing to further limit the parent claims is withdrawn due to the amendment filed 04 June 2003.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 37–39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The usage of the phrase “but not necessarily in the order shown” in claim 37, line 2 renders the claim indefinite as one of ordinary skill in the art would not be able to ascertain a logical sequence from the claim language. The language is indeterminate and does not define order for the steps to enable one of ordinary skill in the art to be able to distinctly define that which is claimed.

Claim 37 further recites the limitation “updating a value represented by the cashless device a method comprising...” The language is not definite, as one of ordinary skill in the art would not understand that which is being claimed in the sense that the language is conflicting.

For examination purposes, the claims will be evaluated as best understood by one of ordinary skill in the art.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US Patent No. 6,475,087) in view of Capers et al. (US Patent No. 4,669,596) further in view of Perrie et al. (US Patent No. 6,173,955).

Cole discloses a slot machine that includes a gaming unit having a housing (FIG 1) wherein the housing includes a game interface to allow a player to conduct gaming functions (FIG 1, references 52, 56, and 58). The machine also includes a processor located within the housing in communication with the game interface and used to control the game and the machine (Column 5, lines 8-24). The machine also includes a cash transaction unit configured to accept cash from and dispense cash to the game player (FIG 1, reference 40, 42, and 46). The cash transaction unit includes a coin acceptor (FIG 1, reference 40), a coin dispenser (FIG 1, reference 46), and a coin hopper (Column 4, lines 57-58). The coin hopper axiomatically has a controller associated with it to detect coins and cause coins to be dispensed, as is notoriously well known in the art. Cole discloses that as is further known in the art, the player may be paid to a card or to a central device/account.

Cole does not disclose the details involving the process that would be used to credit a player's card. However, it would be known in the art that the card must be inserted into the machine in order for this to occur. Capers et al. disclose a method for retrofitting machines to accept such coded cards. Capers et al. discloses a cash-less device unit that is mounted in a retrofit fashion and configured to accept cash-less devices and to transmit and receive information (FIG1, Abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to include that which is taught by Capers et al. into the system of Cole. One of ordinary skill in the

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art would be motivated to make this incorporation for a number of reasons. First, it would be necessary to the functionality of credits paid to a card as disclosed by Cole that the machine be retrofit with a card reader, as one is not disclosed. Secondly, one of ordinary skill in the art would be motivated to make this inclusion as disclosed by Capers et al. that in an increasingly credit card oriented society, a machine capable of being operated with either money or coded cards is desirable and apparatus which enables existing machines to be retrofitted for such purposes is therefore highly desirable, thus motivating one of ordinary skill in the art to retrofit the machine of Cole as disclosed by Capers et al.

The teachings of Caper et al. are directed to a vending machine. Though a slot machine and vending machine are analogous in the art as both represent a machine in which you insert money or tokens in order to make a purchase, a slot machine would present an obvious further consideration to one of ordinary skill in the art that the user must be able to cash out. Perrie et al. disclose such a situation in a gaming machine wherein a cash out button serves the dual purpose of being able to cash out coins as well as a credit to a smart card.

Perrie et al disclose a game of chance above where both cash and cashless gaming is incorporated where there are multiple ways to cash in and out. Perrie et al. disclose that there are numerous approaches to inputting a wager including, but not limited to: coin in, bill in, card in (credit, debit, or smart) which establish a credit on the machine that will be displayed on the credit meter (Column 7, lines 48-53) which serves as a record to the received credits.

Perrie et al. also discloses that when cashing out, there may be one of many structural devices that can be used from a coin out mechanism, tickets dispensed or the like. Furthermore,

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the cash out function could be combined to include a case where a smart card is used wherein when the cash out function is activated, credits are delivered to the card (Column 8, lines 10-20).

By allowing the device to credit a smart card instead of delivering coins when the cash out button is hit, Perrie et al. provide an interception to the cash out process by altering the normal procedure for cashing out. Axiomatic to the functionality of Perrie et al. there is a type of interception processor that will control this action. The interception processor will intercept the signal from the cash out button to credit the smart card. The device of Perrie et al. also axiomatically suggests a dispenser emulator. This dispenser emulation process is carried out as the player cashes out with their smart card be credited. This action would cause the act of dispensing the winnings to be emulated by crediting the player's smart card instead of actually providing the player with cash winnings. These facts would be obvious to one of ordinary skill in the art, as the same cash out button will be used for cash as well as credit.

Therefore, one of ordinary skill in the art would find the teachings of Perrie et al. obvious to the application of Cole in view of Capers et al. When a cash gaming machine is to be retrofitted in the manner taught by Capers et al. in order to accommodate credit cards, an ordinary artisan would recognize it obvious to consider the effects of cashing out on the system as disclosed by Perrie et al. One of ordinary skill in the art would therefore be motivated to incorporate an interception/emulation as suggested by Perrie et al. into the retrofit apparatus of Capers et al. in order to incorporate the device into Cole. In order to retrofit Cole as disclosed by Capers et al., one of ordinary skill in the art would recognize that the basic functionality of the processor would not be changed, thus the incorporate of an emulation and intercept would be

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obvious to one of ordinary skill in the art in order to maintain proper functionality upon the retrofit.

Regarding claim 34, it is notoriously well known in the art to use an interface with an I/O between the controller and the peripheral devices. Perrie et al. does not specifically disclose the hardware used to create the effect of intercept and emulation. However, such features are well known in the art and the manner of design choice in which this functionality would be implemented would be obvious to one of ordinary skill in the art. It would therefore be obvious to one of ordinary skill in the art to incorporate an interface board into the peripheral device disclosed by Cole in view of Capers et al. in order to achieve the functionality disclosed by Perrie et al. The use of the interface would be well understood in the art. One of ordinary skill in the art would be motivated to make this incorporation in order to encompass the required function of Perrie et al. into the retrofit apparatus to allow the device to properly function in the gaming machine and be in communication with the device. The exact manner in which this incorporation is made would be a design choice, obvious to one of ordinary skill in the art.

Regarding claim 35, Capers et al. disclose the cash-less transaction system is located in a housing separate from the gaming machine housing (FIG 1).

Regarding claim 36, Cole discloses that the cash transaction unit also comprises a paper currency acceptor in communication with the game processor (FIG 1, reference 42; Column 5, lines 10-20).

Regarding claim 37, the combined disclosures discussed above lend to a method as claimed. Through the combined disclosure a method of providing cash-less gaming in a retrofitted fashion includes providing a game machine to a player that can accept currency but



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also has been retrofitted to accept cash-less devices. The device also includes the capability to send signals to the processor to direct the game to perform a game function (i.e. when a card is inserted an emulation would occur in Cole in view of Capers et al. that would indicate to the processor that the proper wager has occurred). In view of the teachings of Perrie et al., the signal would also be intercepted upon a cash out function that would allow the player to receive the cash out to their card, not the hopper tray as was intended. Further, these functions would axiomatically be added in a retrofit manner, as the purpose of adding the cash-less device to Cole as disclosed by Capers et al. would be to not have to change the processor workings. Values are thus updated relating to the gaming machine.

Claims 31 and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US Patent No. 6,475,087) in view of Capers et al. (US Patent No. 4,669,596) further in view of Stockdale et al. (US Patent No. 6,503,147).

Cole discloses a slot machine that includes a gaming unit having a housing (FIG 1) wherein the housing includes a game interface to allow a player to conduct gaming functions (FIG 1, references 52, 56, and 58). The machine also includes a processor located within the housing in communication with the game interface and used to control the game and the machine (Column 5, lines 8-24). The machine also includes a cash transaction unit configured to accept cash from and dispense cash to the game player (FIG 1, reference 40, 42, and 46). The cash transaction unit includes a coin acceptor (FIG 1, reference 40), a coin dispenser (FIG 1, reference 46), and a coin hopper (Column 4, lines 57-58). The coin hopper axiomatically has a controller associated with it to detect coins and cause coins to be dispensed, as is notoriously well known in

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the art. Cole discloses that as is further known in the art, the player may be paid to a card or to a central device/account.

Cole does not disclose the details involving the process that would be used to credit a player's card. However, it would be known in the art that the card must be inserted into the machine in order for this to occur. Capers et al. disclose a method for retrofitting machines to accept such coded cards. Capers et al. discloses a cash-less device unit that is mounted in a retrofit fashion and configured to accept cash-less devices and to transmit and receive information (FIG1, Abstract).

It would have been obvious to one of ordinary skill in the art at the time of invention to include that which is taught by Capers et al. into the system of Cole. One of ordinary skill in the art would be motivated to make this incorporation for a number of reasons. First, it would be necessary to the functionality of credits paid to a card as disclosed by Cole that the machine be retrofit with a card reader, as one is not disclosed. Secondly, one of ordinary skill in the art would be motivated to make this inclusion as disclosed by Capers et al. that in an increasingly credit card oriented society, a machine capable of being operated with either money or coded cards is desirable and apparatus which enables existing machines to be retrofitted for such purposes is therefore highly desirable, thus motivating one of ordinary skill in the art to retrofit the machine of Cole as disclosed by Capers et al.

The teachings of Caper et al. are directed to a vending machine. Though a slot machine and vending machine are analogous in the art as both represent a machine in which you insert money or tokens in order to make a purchase, a slot machine would present an obvious further consideration to one of ordinary skill in the art that the user must be able to cash out. Perrie et al.

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disclose such a situation in a gaming machine wherein a cash out button serves the dual purpose of being able to cash out coins as well as a credit to a smart card.

Stockdale et al disclose a peripheral control for a slot machine where both cash and cashless gaming is incorporated where there are multiple ways to cash in and out. Stockdale et al. disclose that a cashless device transaction unit is mounted in communication with a game processor (FIG 2) that is configured to accept cashless devices and handle information exchange. This device intercepts signals from the processor and the signals are not as originally intended to perform the functionality. The device then emulates the signal to a more specific language for the device it was intended for (Column 8, lines 37-67).

Regarding claim 34, Stockdale et al. teach of such an interface for use with peripheral devices. Stockdale et al. teaches of a peripheral controller, or a smart interface board with appropriate I/O controller that is interfaced with the game processor. The peripheral controller receives information from the master controller and obviously transmits information back (FIG 2, Column 8, lines 37-67). The peripheral controller can then intercept signals from the gaming processor and then emulate them to the appropriate signal for the peripheral device (Column 8, lines 50-55).

Therefore, one of ordinary skill in the art would find the teachings of Stockdale et al. obvious to the application of Cole in view of Capers et al. When a cash gaming machine is to be retrofitted in the manner taught by Capers et al. in order to accommodate credit cards, an ordinary artisan would recognize it obvious to consider the effects of cashing out on the system as disclosed by Stockdale et al. One of ordinary skill in the art would therefore be motivated to incorporate an interception/emulation as suggested by Stockdale et al. into the retrofit apparatus

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of Capers et al. in order to incorporate the device into Cole. In order to retrofit Cole as disclosed by Capers et al., one of ordinary skill in the art would recognize that the basic functionality of the processor would not be changed, thus the incorporate of an emulation and intercept with its own peripheral controller to handle the transmission of the signals would be obvious to one of ordinary skill in the art in order to maintain proper functionality upon the retrofit.

Regarding claim 35, Capers et al. disclose the cash-less transaction system is located in a housing separate from the gaming machine housing (FIG 1).

Regarding claim 36, Cole discloses that the cash transaction unit also comprises a paper currency acceptor in communication with the game processor (FIG 1, reference 42; Column 5, lines 10-20).

Regarding claim 37, the combined disclosures discussed above lend to a method as claimed. Through the combined disclosure a method of providing cash-less gaming in a retrofitted fashion includes providing a game machine to a player that can accept currency but also has been retrofitted to accept cash-less devices. The device also includes the capability to send signals to the processor to direct the game to perform a game function (i.e. when a card is inserted an emulation would occur in Cole in view of Capers et al. that would indicate to the processor that the proper wager has occurred). In view of the teachings of Stockdale et al., the signal would also be intercepted upon a cash out function that would allow the player to receive the cash out to their card, not the hopper tray as was intended. Further, these functions would axiomatically be added in a retrofit manner, as the purpose of adding the cash-less device to Cole as disclosed by Capers et al. would be to not have to change the processor workings. Values are thus updated relating to the gaming machine.

Claims 32-33 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US Patent No. 6,475,087) in view of Capers et al. (US Patent No. 4,669,596) further in view of Perrie et al. (US Patent No. 6,173,955) further in view of Crevelt et al. (US Patent No. 5,902,983).

What Cole, Capers et al., and Perrie et al. disclose has been discussed above and is incorporated herein.

Capers et al. do not disclose that the cashless transaction system comprises a network communication link between the system and a network configured to store cashless information. Further, Capers et al. do not disclose that remote network and the cash-less transaction system exchange information.

Crevelt et al. disclose a gaming machine, which like the vending device of Capers et al., is adapted for cashless transfer. The machine has a peripheral device (shown in FIG 2 that one of ordinary skill in the art would understand to be the cashless device) interfaced to the gaming machine in order for the player to initiate the cashless gaming (Column 5, lines 41-44). The cashless device can send requests over a network communication link (FIG 2) to a network that stores cashless information and receive authorizations for an EFT system located distal from the cash emulation processor device (Abstract, FIGS1 and 2).

One of ordinary skill in the art would be motivated to incorporate the teachings of Crevelt et al. into the device of Capers et al. in order to allow more complex cashless transactions to occur. The device of Capers et al. only supports a specially encoded card. Being that it is well known in the art that cashless transactions include smart cards, debit cards, specialized cards,

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credit cards, etc. it would have been obvious to one of ordinary skill in the art to incorporate the function of communication with a remote system in order to enable an EFT transaction in the system of Crevelt et al. One of ordinary skill in the art would be motivated to make this incorporation in order to allow users to use their own debit cards without the need or inconvenience of obtaining a specialized card to use the machine.

Claims 32-33 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US Patent No. 6,475,087) in view of Capers et al. (US Patent No. 4,669,596) further in view of Stockdale et al. (US Patent No. 6,503,147) further in view of Crevelt et al. (US Patent No. 5,902,983).

What Cole, Capers et al., and Stockdale et al. disclose has been discussed above and is incorporated herein.

Capers et al. do not disclose that the cashless transaction system comprises a network communication link between the system and a network configured to store cashless information. Further, Capers et al. do not disclose that remote network and the cash-less transaction system exchange information.

Crevelt et al. disclose a gaming machine, which like the vending device of Capers et al., has been adapted for cashless transfer. The machine has a peripheral device (shown in FIG 2 that one of ordinary skill in the art would understand to be the cash emulation device) interfaced to the gaming machine in order for the player to initiate the cashless gaming (Column 5, lines 41-44). The cashless device can send requests over a network communication link (FIG 2) to a

network that stores cashless information and receive authorizations for an EFT system located distal from the cash emulation processor device (Abstract, FIGS1 and 2).

One of ordinary skill in the art would be motivated to incorporate the teachings of Crevelt et al. into the device of Capers et al. in order to allow more complex cashless transactions to occur. The device of Capers et al. only supports a specially encoded card. Being that it is well known in the art that cashless transactions include smart cards, debit cards, specialized cards, credit cards, etc. it would have been obvious to one of ordinary skill in the art to incorporate the function of communication with a remote system in order to enable an EFT transaction in the system of Crevelt et al. One of ordinary skill in the art would be motivated to make this incorporation in order to allow users to use their own debit cards without the need or inconvenience of obtaining a specialized card to use the machine.

### ***Response to Arguments***

Applicant's arguments filed 09 June 2003 have been fully considered but they are not persuasive.

In response to the Applicant's argument that Capers et al. do not teach a gaming device, the Examiner respectfully disagrees and asserts that Capers et al. provides a teaching to Cole that does indeed disclose all elements of Applicant's invention.

In response to the Applicant's argument that Crevelt does not appear to retrofit or provide an emulation device, the Examiner asserts the reliance on Crevelt was based upon the use of EFT in a card system as opposed to specially coded cards. Therefore, the fact that the Applicant asserts that Crevelt is not retrofitted or emulates, is not viewing the rejection as what it teaches to

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the combination as a whole as is required under 35 U.S.C. 103. In response to applicant's arguments against the references individually, one cannot show nonobviousness or lack of novelty in a 103 rejection by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the Applicant's argument that one of skill in the art would not be motivated to combine Capers and Crevelt, the Examiner respectfully disagrees. Both deal with card based transaction systems in a purchase type system. The examiner relied upon the teachings of Crevelt for an EFT transfer as opposed to a coded card and thus applying these teachings to the system of Capers, which is also capable of reading a card for purchasing purposes, would be obvious to one of ordinary skill in the art.

In response to the Applicant's argument that Perrie et al. is based on YAHTZEE, the Examiner agrees but states that Perrie et al. is still a transaction machine as is Capers and Crevelt and provides the appropriate teaching for the special circumstances that arise in using a gaming machine with a coded card. Further, Applicant asserts that teachings from Perrie et al. regarding an interception are not valid because they are not for a retrofitted assembly. However, this assertion is not viewing the rejection as what it teaches to the combination as a whole as disclosed above and as is required under 35 U.S.C. 103. In response to applicant's arguments against the references individually, one cannot show nonobviousness or lack of novelty in a 103 rejection by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



In response to the Applicant's arguments that Perrie et al. do not teach interception or emulation as taught by Applicant, the Examiner respectfully disagrees. Perrie et al. has a single button for use in cashing out (FIG 3, reference 340). When the player presses this button, either they are credited to their card, or they receive coins into the coin tray (Column 8, lines 14-20). One of ordinary skill in the art thus understands that when the button is pressed either 1) coins are to be credited to the card or 2) coins are to be distributed into the tray. One of ordinary skill in the art would also understand, that since the same button is used to perform either function, that when the cash out button is pressed, a signal is sent and if the smart card has been used that signal must be intercepted to not allow the machine to cash out coins. Upon being intercepted, it would emulate a coin out function by crediting the card. The disclosure of Perrie et al. clearly supports this functionality to one of ordinary skill in the art as only one cash out button is disclosed. One of ordinary skill in the art would thus understand that the button distributes a signal that must be analyzed/transformed in order to accommodate both possible cash out options. Thus, one of ordinary skill in the art would understand from the teachings of Perrie et al. that a signal from the button could be intercepted and emulated in order to accommodate a coded card inserted as opposed to the normal signal which allows cash to be distributed from the machine. In regards to the Applicant's arguments that this is not done by a second device, the Examiner asserts that it is the teachings relied upon and these teachings could be applied to a stand alone device within the scope of one of ordinary skill in the art in order to be applicable to the retrofit assembly disclosed above in the rejections.

In response to the Applicant's argument that Perrie et al. would be pre-programmed to perform any such interception or emulation, the Examiner reminds the Applicant, that the

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references must be considered as a whole. The teachings of Perrie et al. are not viewed solely based on the machine of Perrie et al. The teachings have been applied to a retrofit machine to accommodate circumstances that would be required in the gaming industry and are thus not viewed alone as to the machine of Perrie et al. In response to applicant's arguments against the references individually, one cannot show nonobviousness or lack of novelty in a 103 rejection by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument that the coded card appears to have the value encoded on the card rather than the value of the card being ascertained over a network connection is not coterminous with what is being claimed and is further moot in grounds of the new rejection in view of Crevelt et al. above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**US Patent No. 5,544,728:** Method of retrofitting a slot machine with coin only functionality to include functionality for paper currency.

**US Patent No. 6,283,268:** Method of retrofitting a transaction machine with a bezel that is of the same size as the old bezel but also includes the capability of coded card transactions.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

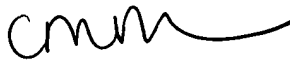
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9302 for regular communications and (703)-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.

  
cmm

August 12, 2003

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700